

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: JAMES L. THOMAS,)	Bankruptcy No. 21-20802 CMB
)	
Debtor.)	Chapter 13
)	
JAMES L. THOMAS,)	Docket No. 54
)	Related to Docket No. 46, 47, 50, 52, 53
Movant,)	
)	Hearing Date & Time:
vs.)	
)	
SENSIBLE AUTO FINANCE AND)	
RONDA J. WINNECOUR,)	
CHAPTER 13 TRUSTEE,)	
)	
Respondents.)	

MOTION SEEKING SANCTIONS

1. On or about April 4, 2021, Debtor filed for protection under Chapter 13 of the U.S. Bankruptcy Code.

2. One of the claims listed in the Chapter 13 Plan is a secured claim on an automobile loan in the amount of \$5,171.49. held by Sensible Auto Finance.

3. Debtor had his car repossessed and/or interlocked at least 3 times by Sensible Auto. Such actions had caused Debtor great financial hardships eventually leading to Debtor losing his job. Debtor was a truck driver at White Line and lost his job due to not having a way to get to his employment. He was off approximately 6 weeks. On or about October 26, 2021, Debtor filed a Motion Seeking Sanctions. Sensible Auto provided the Debtor with the amounts requested and so a hearing was never held. A certificate of no objection was filed and a default Order was entered.

4. Debtor started working at another job in December 2021 with a company named Aero. His duties were similar to his previous employment, as he delivered auto parts to various offices throughout Western Pennsylvania, Ohio and West Virginia. Debtor lost that job because Sensible Auto interlocked his car at least 3 times in December 2021; January 2022 and February 2022 and he was unable to get to his place of employment. In addition to losing his job the Debtor is experiencing much trauma and stress.

5. Sensible Auto has taken these actions without ever filing a Motion for Relief From Stay previously and most recently.

6. Debtor has made payments into his Chapter 13 Plan of \$5,726.94. The monthly Chapter 13 Payment is \$1,448.00. Debtor has now fallen behind in the amount of \$10,123.03 in his Chapter 13 Payments due to not having his car available. The Trustee filed a certificate of default on March 18, 2022 and an Order was entered requiring the filing of a notarized affidavit and at least one full plan payment to be attached. Debtor will file the notarized affidavit, but is unable to make any payments due to the actions of Sensible Auto Finance.

WHEREFORE, Debtor prays that this Honorable Court waive the requirement of a full plan payment until the matter with Sensible Auto Finance is resolved. Further Debtor requests sanctions in the amount of at least \$10,123.03 and such other relief against Sensible Auto Finance as the Court deems appropriate. In addition to sanctions it is requested that Sensible Auto pay attorneys fees in the amount of \$1,000.00 to attorney Rodney Shepherd.

Date: 4/8/2022

/s/ Rodney D. Shepherd
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